

**PUBLIC HEARING  
ANDERSON CENTER FOR AUTISM  
PROPOSED HOME ON 283 UNION CENTER ROAD ULSTER PARK, NY  
DECEMBER 19, 2013**

The Anderson Center for Autism has formally notified the Town of Esopus of their intent to develop a home, as an Individual Residential Alternative, for people with developmental disabilities. The proposed home is located at 283 Union Center Road in Ulster Park. This home would be operated by Anderson Center for Autism and would provide supervision by trained staff on a 24 hour a day basis. A notice has been placed in the Daily Freeman and comments and concerns can be addressed on December 19<sup>th</sup> at 7 PM.

In attendance:           **Supervisor John Coutant  
Councilperson Gloria VanVliet  
Councilperson Wayne Freer  
Councilperson Donna McAuley  
Councilperson Kyle Barnett**

**Recording Administrator: Diane L. McCord, Town Clerk**

The Supervisor stated the purpose of this Public Hearing is for the Anderson Center to have the opportunity to address the neighbors. The notice of the Public Hearing was printed in the Daily Freeman on December 5<sup>th</sup>. A letter to the Town Supervisor was received from Neil J. Pollack CEO/Executive Director of the Anderson Center for Autism giving the municipality (40) days upon receipt of this letter (dated Nov. 20, 2013) to respond in one of three ways:

1. Approve the site recommended by the sponsoring agency.
2. Suggest one or more suitable sites within its jurisdiction which could accommodate such a facility.
3. Object to the establishment of a facility of the kind described by the sponsoring agency "because to do so would result in such a concentration of community residential facilities for the disabled in the municipality or in the area in proximity to the site selected or a combination of such facilities licensed by other agencies of state government, including all community residence, intermediate care facilities for adults and residential treatment facilities for individuals with mental illness or developmental disabilities operated pursuant to article sixteen of article thirty-one of this chapter and all similar residential facilities of fourteen or less residents operated or licensed by another state agency, that the nature and character of the areas within the municipality would be substantially altered."

Neil Pollack was in attendance along with Joyce Adams-Taylor. Mr. Pollack said the Supervisor had asked him to attend to answer any questions that may occur.

The following letter voiced some of the concerns of the neighbors including Nancy Unger and Neil and Michele Prendergast:

"There are several concerns that we, as adjoining property owners, have regarding Anderson's choice of 283 Union Center and we hope that the town, and state in conjunction with Anderson Center will address to us, specifically in writing our following concerns:

### 1. SEPTIC/WELL WATER ISSUES:

We in this neighborhood are all on country well and septic systems. This proposed Group Home is located directly behind and uphill from our properties. It has historically been occupied by a standard type of family, that is – a couple of parents and a couple of kids. Anderson is now proposing 5 fulltime residents, staff 24/7 which we assume to be at least two on duty days and two on duty nights totaling at least 9 people on the septic system. We are on bedrock out here and subject to major flooding during heavy snow melts and wet springtime rains. Being directly downhill we are highly concerned that our wells will be compromised during these increasing weather events.

- a. Our well water will become tainted from the downhill flow of a septic system that is handling far more than just a standard family.
- b. The septic system is designed for a standard family – not a small hotel!

### 2. NOISE ISSUES:

283 Union Center (the proposed Group Home Site) sits behind and atop a hill with a very long and narrow driveway. Noise travels out and downhill. How many vehicles and their corresponding noise will be in and out during the day and evening hours?

Do the Anderson vans beep while backing up?

What condition are those vans in? Mufflers? Exhaust?

How many staff vehicles will now be going up and down this hill? How many social workers? Family members and/or visitors?

How many delivery vehicles will we be hearing?

Will the trash be in an industrial sized dumpster? The noise and bears that will be attracted will be a further nuisance.

### 3. LIGHTING ISSUES:

284 Union Center has huge spotlights that when lit at night looks like a space ship has landed and lights up the entire rear of our properties as well as shines into the rear of our homes. What guarantee can you give us that this will not be occurring all the time after dark?

### 4. TRAFFIC ISSUES:

It is our sense that our property values are about to plummet even further due to increased industrial traffic, created by this proposed more than simply residential setting. People turn around in our driveways all the time ever since Union Center was permitted to become a speedway. This road has been posted at 35 and we have to continually call the Trooper and Sheriff offices to ask for speed campaigns trying not to get killed when we go to our mailboxes.

The driveway at the proposed site is extremely narrow. What if fire/emergency vehicles are called during winters?

What we don't understand is why Anderson would forego one of the many houses in town on city water and septic with sidewalks, streetlights and a walking distance to the library, parks, social activities outdoor activities and restaurants.

## 5. OUR TAXES AT WORK

How much more in taxes will we be expected to pay in order to compensate for this property now about to come off the tax roll?

With more suitable locations such as comparable properties up on Hardenburgh Road which is truly more secluded and on a quiet country road we are asking Anderson to please look into a location that is safer for its residents.

## IN CONCLUSION:

We are expecting and deserve a full EIS addressing:

- SEPTIC/WELL WATER ISSUES
  - NOISE ISSUES
  - TRAFFIC
  - LIGHTING
  - TAXES
  - PROPERTY VALUES
- SAFETY for Anderson residents as well as those of us who live here.

We expect and request to be notified in writing as to each and every point we have made in this correspondence and look forward to hearing from you on these issues in a timely fashion.

Thank you for your kind consideration to this matter.

Very truly yours,  
Nancy Unger  
Michele Prendergast  
Neil Prendergast

Mr. Pollack explained the Anderson Home is located in Staatsburg where we operate eighteen group homes and have 189 students at their center. They provide support to some fifteen public schools. We have an insurance practice for adults with autism. The average number in a home is five. They are a non-for-profit agency. They employ 750 people. The house on Union Center will house five graduates of Anderson. We have supervision on a 24 hour a day basis. The clients become involved with the SPCA, the churches, and consider themselves as a part of the community.

**Margaret Short:** We live next to the property. Many of the questions in our letter we would like you to address.

Septic/Water – Mr. Pollack stated they go through extensive testing for each house. They viewed 50-75 houses before making this decision. The septic system and water has been tested. Our facilities have never had a problem. Mr. Pollack has been working in this field since 1974 and has never had a problem with the septic or water.

**Jim O'Connor:** Mr. O'Connor complained as a bordering property owner he had not been notified of this public hearing. He believes a regular septic system will not be acceptable. The Town Board does not have to have a public hearing, however, they believed the neighbors should be aware of what was happening. A notice was placed in the Daily Freeman.

**Eleanore Kennel – Russet Lane:** It seems like you are expecting more than five people. No....we will only have five people. At the state and federal level smaller is preferred not larger. Eleanor Kennel said...but there is no guarantee? No.

**Janet Bellusci - 225 Union Center Rd.** On an average day will there be two or three staff? It may be four. The houses work in harmony. There will be from five to nine people at any one time.

#### NOISE ISSUE:

Mr. Pollack said we do not come in at all hours. We are not disruptive. It would be rare if there were an emergency situation. We are extremely concerned with noise. We have open houses in the beginning. We would like to know our neighbors and have them know us.

#### TRAFFIC:

Mr. Pollack said our staff are told to observe the speed limits and they abide by the law.

#### PROPERTY VALUES:

As far as property values there has never been a group home in the history of New York State where the houses have been devalued.

**Neil Prendergast: (277 Union Ctr. Rd.) Mr. Pollack:** We have looked at 50-75 houses before we make a decision. This is a residential neighborhood. Anna Devine School was suggested for renovation, however, it is not a residential property. We are a single family home area.

**Ron Rizzo:** Mr. Rizzo has lived across the street from this property for forty years and has a vested interest and is not in favor of this house. The people that are moving into the group home...are they from the area? The parents live here said Mr. Pollack and we are just as quiet as other neighbors and we will be very good neighbors. Autism is a neurological impairment. We work with the individuals to help them come out of their shells. Visit our center to see what we do.

**Nancy Unger:** Addressing Mr. Pollack Ms. Unger said there are a lot of us that disagree. It makes me angry. Mr. Pollack said he has to follow strict guidelines. He has to deal directly with the municipality. He never deals with individuals.

**Michelle Prendergast:** We own the property directly below the property in question. Not everyone was notified.

**Nancy Unger:** Generally, a residence like this has shifts. There are three shifts. There is some flexibility. Why did you pick such a long driveway? Will you have lights coming down the hill? At 10 PM you will have cars coming and going. Mr. Pollack said we will work with you if there is a problem.

It sounds like the decision has already been made. You can buy any property you want. What is this about....are you humoring us? Mr. Pollack said he came at the request of the Supervisor. We started with a dialogue. The question was asked are these people violent and detached from feelings? These are not dangerous people. None of these people have issues.

Mr. O'Connor asked about his daughter and questioned if these people are mentally challenged because this is an important issue to us.

**A Motion to entertain a break was made by Councilperson Wayne Freer and seconded by Councilperson Kyle Barnett at 7:36 PM. All Town Board Members voted in favor. Motion Carried.**

**A Motion to adjourn from a break at 7:45 PM was made by Councilperson Kyle Barnett and seconded by Supervisor John Coutant. All Town Board Members voted in favor. Motion Carried.**

Supervisor Coutant said we understand where you are coming from and we are trying to negotiate on your behalf. Councilperson Gloria VanVliet said we did not have to have a Public Hearing and we decided for your benefit we would. We have a forty day period to take certain action. We are officially back in the Public Hearing. We have forty days upon receipt of this letter to respond in one of three ways:

1. Approve the site.
2. Suggest other suitable sites.

There is a house on Hardenburgh Road. The Supervisor would like to have the public and this Town Board try to find another suitable place.. Can I count on you to find such a site? We have only forty days from Nov. 20<sup>th</sup> and that would be January 6<sup>th</sup>. We must have a response back to them and then there is a series of time frames to have them analyze the site. What are the requirements for the home? How much is the house being sold for? The purchase price is \$400,000 and another \$100,000 to put in a fifth bedroom. The home has to be within the Town of Esopus. Ms. Unger suggested asking the Bruderhof to help find such a place. She is also concerned with taking more property off the tax rolls. We have a ton of property off the rolls. The Supervisor said we have twenty percent off the tax rolls. The pie gets smaller and we have to share in paying more and more taxes.

3. Section 41.34 of the law must be followed. Mr. O'Connor asked if we do not find an alternate location is this a done deal? The Supervisor suggested the home be in the water and sewer district.

Mr. Pollack said he is not allowed to make a decision about taking homes off the tax rolls. It is not up to him. There are people in the State that study the trends for taxing districts and placement and questions of employment and I would be shocked if the law would ever be changed in his personal opinion.

Mr. Fortune – Tilden Street

Take the property next to me on Tilden although he did not think it was big enough and he has rats. People with disabilities have rights.

Councilperson Wayne Freer – there is a process for you to go through if you are interested in coming before us specifically.

Este Gardinar – Ulster Park: She works for Anderson and has lived here for 22 years. Remember in God we Trust. I am thankful for my son every day.

John Walker: My son has autism....open your hearts.

Supervisor Coutant challenged those present to help in coming up with an alternative property. We are analyzing the situation and we will get back to Mr. Pollack. We have a holiday situation and our time is limited. I have to follow the law. Give us a site and I am duty bound to look at the site. It must have five bedrooms and sufficient bathrooms. The Supervisor asked if there was a team from Anderson that looks at these properties? Yes. The budget is \$500,000 complete.

Nancy Unger asked if they had looked throughout the town? Yes. Mr. Short asked how long they had been looking? Mr. Pollack answered they have twelve students graduate each year. We are looking extensively but our criteria is lengthy. Mrs. Unger feels this is a done deal.

Supervisor Coutant said we can do it if we have your help. I believe we can. The problem I have is it is the holiday season. We have done the best we can do.

**A Motion to close the Public Hearing was made by Supervisor John Coutant and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.**

**TOWN BOARD MEETING  
DECEMBER 19, 2013**

A regularly scheduled meeting of the Town of Esopus Town Board was held on Thursday, December 19<sup>th</sup> at the Town Hall 284 Broadway Port Ewen, N. Y. at 8:50 PM following a public hearing. The following persons were in attendance:

**Supervisor John Coutant  
Councilperson Gloria VanVliet  
Councilperson Wayne Freer  
Councilperson Donna McAuley  
Councilperson Kyle Barnett**

**Administrative Recorder: Diane L. McCord, Town Clerk**

**Public Comment:**

**John Wolfeil:** The lights in town are very nice. Mr. Wolfeil met with Myles Putman and a Planning Board Member for a pre-submission conference and he complimented the Planning Board in protecting them for access to our property and we agreed the plans were not carried out. Councilperson Freer spoke to Fred Zimmer stating there may be a solution and we may be able to come up with a plan. He acknowledged we were put in a tight spot. Look at the right of way and once the road is turned over they will have the right of way. If the town has material they could put in a pipe and fill in the swale which is five feet by two feet.

1. Randolph Horner

To move forward with our solar project at our transfer station and with Central Hudson we need to have our ducks in a row. Central Hudson sent a letter to the Supervisor stating the town is approved for a mega-watt scale connection but there have been difficulties with our previous vendor. Central Hudson said because we did not move forward we were kicked out of the line. In addition, we had to find a new financial advisor and have this all approved by the Dept. of Environmental Conservation. This has been a long ordeal. Randolph has worked all the way up to the DEC with a meeting on Monday at 3 PM. The State of New York, with so many potential sites, has made no decision. Other states surrounding us have gone ahead of us. There is a potential happy outcome and we need a responsible procedure. Ours is the prime candidate. OnForce has heard nothing from NYSERDA. We want to get this project going bringing a power contract to this board and we should be moving ahead and taking our place in getting approval from the Dept. of Environmental Conservation. This is the most important solar project in our history. We know the solar system will have no gas and no explosives under the landfill cap. Randolph is going to the head office of DEC on Broadway on Monday and he will say many other towns want to follow Esopus so let us have no delays. There has been no gas detected.

Since last year our alternators have all been replaced with new ones. The Town Board was very impressed. Randolph thanked Councilperson Donna McAuley for the supervisory role you played. Both she and Councilperson Gloria VanVliet toured the plant at the factory where solar the panels are made.

The Federal Regulatory Commission is trying to raise the electric rates called the Capacity Zone Rate Hike. A lot of money has been put up by the developers in New Paltz and Esopus, the County of Ulster along with the County of Dutchess to upgrade Central Hudson's power lines. We are talking about the transmission towers. Randolph Horner stated in 2014 we devoted serious time working toward adding together the municipalities to improve the capacity of our transmission facilities on this side of the river. There is an independent developer trying to have Central Hudson place transmission lines on the other side of the river. Randolph needed a sense of the Town Board this evening to have a committee who cares about the joining the municipalities together. We should just encourage our corridor be upgraded. Central Hudson and the PSC are opposed to a rate hike. If the lines were upgraded a rate hike would not be necessary. The PSC has a new person and they want to get the transmission issue straightened out. We will come in after the holiday and put together a letter with our thoughts. We could discuss it at the first Workshop Meeting in January of 2014. A copy of the letter can be given to Dennis Doyle, Director of the Ulster County Planning Board, Michael Heins, the County Executive and Attorney Bea Havranek.

## **2. Fred Zimmer – Revised Planning Board Fee Schedule**

Planning Board Member Fred Zimmer stated we need to add a new rate schedule for some items we have not addressed in the past. The three items we need to review are:

1. Commercial/Educational or Classroom Space/Dormitories \$200 plus \$20/1,000 sq. ft. of bldg. area
2. Subdivision Time Extension Requests - \$100
3. Commercial/Educational Dormitories - \$200 each inspection

**A Motion to amend the fees as suggested by the Planning Board in accordance with our Local Law was made by Councilperson Wayne Freer and seconded by Councilperson Donna McAuley. All Town Board Members voted in favor. Motion Carried.**

## **3. William Mackey to Perform Marriage Ceremony**

A request has been made to our Town Clerk from William Mackey to perform a Wedding Ceremony for his friends at the LaMirage in January. The appropriate documentation has been filed.

## **4. Hudson Micro Imaging (Medrex) – Community Room**

Hudson Micro Imaging has requested a refund for rental of the Community Room for their Christmas Party. This request is granted due to their yearly contribution of space for our Fall Festival Flea Market and for the use of their parking lot at the Annual Christmas Parade.

**5. Town Board Permission for Councilperson Diane McCord to Attend Newly Elected Officials 2014 Training School**

A Motion was made by Councilperson Kyle Barnett and seconded by Councilperson Wayne Freer to have Councilperson Diane McCord go to school as a newly elected official January 15, 16 and 17<sup>th</sup>. All Town Board Members voted in favor. Motion Carried.

**6. Swearing In Ceremony – January 1, 2014 – 12 Noon**

The Town Board will hold their Swearing In Ceremony on Wednesday, January 1<sup>st</sup> at 12 Noon.

**7. Budget Adjustments**

**Resolution Authorizing Budget Adjustments  
December 19, 2013**

**Be it Resolved**, by the Town Board of the Town of Esopus, County of Ulster as follows:

**Whereas**, the Town of Esopus has been presented with budget adjustments and the adjustments have been examined and approved by the Town Board.

**Therefore, Be it Resolved**, that the following budget adjustments be approved for payment:

**BUDGET ADJUSTMENT FOR DEC. 19, 2013**

AO 0599.000	FUND BALANCE	AO 1110.400	JUSTICE CONTRACTUAL	\$ 126.53
AO 0599.000	FUND BALANCE	AO 1410.100	TOWN CLERK	\$ 3,604.77
AO 0599.000	FUND BALANCE	AO 3510.100	DOG PERSONNEL	\$ 3,736.91
AO 0599.000	FUND BALANCE	AO 6140.400	HOME RELIEF	\$21,800.71
AO 0599.000	FUND BALANCE	AO 7110.400	PARKS MAINTENANCE CONT.	\$ 395.96
SS 0599.000	FUND BALANCE	SS 8110.100	SEWER PERSONNEL	\$7,023.63

Resolution offered by Councilperson Gloria VanVliet  
Resolution seconded by Councilperson Kyle Barnett

Supervisor John Coutant	Aye
Councilperson Gloria VanVliet	Aye
Councilperson Wayne Freer	Aye
Councilperson Donna McAuley	Aye
Councilperson Kyle Barnett	Aye

Resolution duly adopted.

**8. Payment of Vouchers**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS**

**BE IT RESOLVED**, by the Town Board of the Town of Esopus, County of Ulster as follows;

**WHEREAS**, the Town of Esopus has been presented with vouchers for payment and these vouchers have been examined and approved by the Town Board,

**THEREFORE, BE IT RESOLVED**, the following vouchers be approved for payment:

<b>General Fund</b>	<b>131573 - 131635</b>	<b>\$ 44,024.05</b>
<b>Highway Fund</b>	<b>132262 – 132291</b>	<b>\$190,355.05</b>
<b>Street Lighting</b>	<b>136012</b>	<b>\$ 6,448.29</b>
<b>Port Ewen Sewer Fund</b>	<b>133166 – 133182</b>	<b>\$ 66,524.42</b>
<b>Port Ewen Water Fund</b>	<b>134300 – 134322</b>	<b>\$ 17,493.43</b>
<b>Total.....</b>		<b>\$324,845.24</b>

**Resolution offered by Councilperson Wayne Freer**  
**Resolution seconded by Councilperson Donna McAuley**

<b>Supervisor John Coutant</b>	<b>Aye</b>
<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
<b>Councilperson Wayne Freer</b>	<b>Aye</b>
<b>Councilperson Donna McAuley</b>	<b>Aye</b>
<b>Councilperson Kyle Barnett</b>	<b>Aye</b>

**Resolution duly adopted.**

**9. Approval of Minutes**

**A Motion to approve the Minutes of the previous meetings was made by Councilperson Kyle Barnett and seconded by Supervisor John Coutant. All Town Board Members voted in favor. Motion Carried.**

**10. Tributes to Councilperson Donna McAuley**

Supervisor John Coutant thanked Councilperson Donna McAuley for her years on the Town Board and for serving as Deputy Supervisor. Councilperson Gloria VanVliet thanked Councilperson Donna McAuley

for all the work she accomplished on the kennel and for her dedication. Councilperson Kyle Barnett thanked her also for always making sure he was prepared. She has been so valuable to him and she will be sorely missed. Councilperson Wayne Freer thanked Councilperson McAuley for all the time she spent.

#### **11. Correspondence and Reports of Officials and Boards**

The following reports of officials and Boards are on file in the Town Clerks' Office:

Waterfront Advisory Annual Report dated Dec. 19, 2013  
Assessor's Report dated Dec. 17, 2013  
Port Ewen Water & Sewer Board Agenda dated 11-12-13  
Building Department Report dated Nov. 2013  
Town Board Workshop Minutes dated Dec. 3, 2013  
Town Board Minutes dated Nov. 13, 2013  
Supervisor's Report dated December 2013  
Town Clerk Report dated November 2013  
Planning Board Minutes dated November 13, 2013

**A MOTION TO ADJOURN WAS MADE BY COUNCILPERSON DONNA MCAULEY AND SECONDED BY COUNCILPERSON GLORIA VANVLIET AT 9:45 PM. SUPERVISOR COUTANT CLOSED THE MEETING IN COUNCILPERSON DONNA MCAULEY'S NAME. ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

**Respectfully submitted,**

**Diane L. McCord  
Town Clerk, RMC, CMC**